

REMARKS

Claims 1-20 are pending in this application. Claims 1-20 have been amended to clarify the subject matter of the claimed invention. No new matter has been introduced. Claims 4 and 10 have been rewritten in independent form, as suggested by the Office Action, to include all limitations of the base claim and of any intervening claims, and are now in condition for allowance.

Claims 1-3, 5, 6, 12, 14-15, 19 and 20 are rejected under 35 U.S.C. § 102 as being anticipated by Kawamoto (U.S. Patent No. 6,169,902) ("Kawamoto").
Reconsideration is respectfully requested.

The claimed invention relates to an information delivery system comprising a plurality of information terminal devices. As recited in independent claim 1, the information terminal device "is operable to detect the position of said information terminal device at a predefined timing for transmission of information indicative of the detected position toward said server apparatus."

Kawamoto relates to an "information terminal . . . including a position acquisition unit for acquiring position fixing information that fixes the present position of own information terminal" and "a transmitting unit for transmitting through the radio-communication network on demand the position fixing information of own terminal." Kawamoto also teaches "a receiving unit for receiving from a user management table of an information providing apparatus through the radio-communication network the position-related information about each information terminal belonging to the group" and "a display unit for displaying the information-related information of each information terminal received by the receiving unit."

Kawamoto fails to anticipate the subject matter of claims 1-3, 5, 6, 12, 14-15, 19 and 20. Applicants note that an important feature of the claimed invention is that the information terminal device "is operable to detect the position of said information terminal

device at a predefined timing for transmission of information indicative of the detected position toward said server apparatus.” The information terminal device detects its position “at a predefined timing” and subsequently informs the server. As a result, when the information terminal device relates to the position of a group of members, for example, it is possible to obtain new and correct information. This aspect of the invention is described in the specification at page 39, lines 3-19, as follows:

With this group position service, a present location of each member belonging to the same group is readily available, which in turn makes it possible to render contact and action readily understandable. For example, utilizing for school excursion trips in units of schools (“ABC” school group or the like) makes it possible to catch actions of individual students of the same school, which in turn is utilizable for preclusion of lost children or prevention of entry to dangerous land areas. Furthermore, by employing an arrangement for letting a wandering/roaming old person have a mobile information terminal that is group-registered together with others and for outputting his or her present location at regular intervals, it is advantageously possible for family members who own mobile information terminals registered to the same group to readily recognize the old person’s present location.

Thus, the present invention can be used, for example, to make “readily available” “a present location of each member belonging to the same group . . . which in turn makes it possible to render contact and action readily understandable,” catching actions of individual members of the same group which “in turn is utilizable for preclusion of lost children or prevention of entry to dangerous land areas,” and “readily recognize[ing] the old person’s present location.” Since the group position service can inform the position at the predefined timing, the history information can be easily generated.

Kawamoto fails to disclose, teach or suggest the claimed information terminal device, which “detect[s] the position of said information terminal device at a predefined

timing for transmission of information indicative of the detected position toward said server apparatus.” According to Kawamoto, once “[t]he user of the information terminal 10 . . . transmits a line connect request to the information providing apparatus 13 (S1),” “the information terminal 10 sends first the password number . . . (S5), and then sends the positional information acquired through the position acquisition unit 20 (Latitude North N₁ and Longitude East E₁, for example) (S6).” (Col. 4, lines 33-67; col. 5, lines 1-2).

The Office Action contends that reference number “S6” of Kawamoto corresponds to the feature of the claimed invention noted above. Please note, however, that Kawamoto discloses merely that the possessor (the owner) of the information terminal device obtains the transmitting (the sending) (S1) of a line connect request to the information generating individual, which is the possessor (the owner) of the information terminal device, and informs voluntarily the position from the terminal side. In the construction shown in Kawamoto, when the possessor (the owner) of the information terminal device has the low recognition in that such place is a dangerous place, then the possibility for reporting to the information terminal device is small. For at least these reasons, Kawamoto fails to anticipate the subject matter of claims 1-3, 5, 6, 12, 14-15, 19 and 20. Withdrawal of the rejection of these claims is respectfully requested.

Claims 7, 8, 11, 17 and 18 are rejected under 35 U.S.C. § 103 as being unpatentable over Kawamoto in view of Foladare et al. (U.S. Patent No. 5,732,383) (“Foladare”). This rejection is respectfully traversed. Claims 7, 8 and 11 depend from claim 5 and should be allowable along with claim 5 and for other reasons.

Further, Kawamoto and Foladare, whether considered alone or in combination, do not teach or suggest that “the distribution service means . . . generates . . . information indicative of a degree of per-facility congestion from a presently verified number of users in units of a plurality of location-preregistered facilities . . . and transmits *multi-value information* indicating the degree of congestion thus calculated with respect to each of said plurality of facilities,” as amended claim 7 recites. Foladare discloses an estimation of traffic and congestion information. In Foladare, however, the judgment of the congestion degree

is carried out using only two values, one where there is congestion and one where there is no congestion. On the other hand, according to claim 7 (and as shown for example in Figure 10), to display the multi-value congestion degrees at the specific places (the specific facilities), the multi-value congestion degrees are transmitted to the portable information terminal apparatus. In this manner, the invention covered by claim 7, for example, provides services more suitable than the judgment of the congestion degree having only two values, where the congestion exists or not, shown in Foladare.

Claim 9 is rejected under 35 U.S.C. § 103 as being unpatentable over Kawamoto in view of Piley et al. (U.S. Patent No. 6,006,158) ("Piley"). This rejection is respectfully traversed. Claim 9 depends from claim 1 and should be allowable along with claim 1 and for other reasons.

Claim 13 is rejected under 35 U.S.C. § 103 as being unpatentable over Kawamoto in view of Wang et al. (U.S. Patent No. 5,343,512) ("Wang"). This rejection is respectfully traversed. Kawamoto and Wang, whether considered alone or in combination, fail to teach or suggest an "information terminal device for receipt of provision of more than one information service" comprising *inter alia* "position detection means for detecting a position of itself" and for "transmitting . . . information concerning the newly detected position by adding the group information toward said server apparatus via said terminal side communication means," as claim 13 recites. According to claim 13, the position of the group member is always based on the newly correct information at the group unit. For at least these reasons, the subject matter of claim 13 would not have been obvious over Kawamoto and Wang, and withdrawal of the rejection of this claim is respectfully requested.

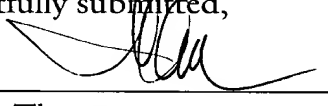
Claim 16 is rejected under 35 U.S.C. § 103 as being unpatentable over Kawamoto in view of Wiczorek et al. (U.S. Patent No. 6,125,278) ("Wiczorek"). This rejection is respectfully traversed. Kawamoto and Wiczorek, whether considered alone or in combination, fail to teach or suggest all limitations of independent claim 16. Neither Kawamoto nor Wiczorek teaches or suggests "causing each of said plurality of information

terminal devices to send to said server apparatus both information indicative of its own position and information indicating the content of a service required” and “permitting said server apparatus to generate information to be provided in reply to a request,” as independent claim 16 recites. Kawamoto and Wieczorek also fail to teach or suggest “letting said server apparatus determine an amount of money charged on a user in accordance with the content of said sent provision information while storing a history of information indicative of the amount of charged money thus determined and that of said position information as sent thereto on a per-user basis,” as independent claim 16 recites. For at least these reasons, the subject matter of claim 16 would not have been obvious over Kawamoto and Wieczorek, and withdrawal of the rejection of this claim is also respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: April 1, 2004

Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082

Gabriela I. Coman

Registration No.: 50,515

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicants